

DECISION RECORD/FINDING OF NO SIGNIFICANT IMPACT

FOR

YANK SPRING, YANK CREEK, AND MESTEÑO SPRING ENCLOSURES AND WATER DEVELOPMENT

EA OR-025-2002-029

INTRODUCTION: Following a 30-day comment period on the Yank Spring, Yank Creek, and Mesteño Spring Enclosures and Water Development Environmental Assessment (EA), OR-025-2002-029, the Burns District, Bureau of Land Management is issuing a decision to construct the Yank Spring, Yank Creek and Mesteño Spring Enclosures.

DECISION: Having considered a range of alternatives and associated impacts and based on the analysis in the EA, it is my decision to construct 2.5 miles of fence to create two enclosures and realign a pasture fence, remove 2 miles of existing pasture fence, and construct two water gaps as described in the proposed action alternative of the Yank Spring, Yank Creek, and Mesteño Spring Enclosures and Water Development EA.

Rationale for Decision: Realignment of the existing fence and construction of the two proposed enclosure fences will allow for improvement in riparian conditions along 1-mile of Yank Creek and improvement of meadow conditions associated with Yank Springs and Mesteño Spring. The construction of water gaps will improve livestock management within the allotment. Riparian and water quality conditions are expected to improve on approximately 1-mile of Yank Creek and will also positively affect riparian conditions further downstream.

Public involvement consisted of direct mailing to 10 individuals, organizations, and agencies and placing a notice in the local newspaper. I did not receive any negative comments during the EA review period.

This action is in conformance with Section 7(a)2 of the Endangered Species Act, the Federal Land Policy and Management Act, and the Three Rivers Resource Management Plan (RMP).

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered alternatives to the proposed action including no action, however, the proposed action best meets the objective to improve riparian conditions within the project area.

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the EA and all other information, I have determined that the proposal and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. The physical and biological effects are limited to the Burns District.
2. Public health and safety would not be adversely impacted.
3. There would be no adverse impacts to wetlands, floodplains, areas with unique characteristics or ecologically critical areas.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives to the District's RMPs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural resource and botanical surveys, and through the mitigation of avoidance, no adverse impacts to cultural resources or sensitive plant species have been identified and none are anticipated.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If at a future time there could be the potential for adverse impacts, guidelines or stipulations would be modified or mitigated not to have an adverse effect or a new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If any appeal is filed, your notice of appeal must be filed in the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738 by February 10, 2003. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

Signature on file

Joan M. Suther

Three Rivers Resource Area Field Manager

January 8, 2003

Date